



Docket No.: 4707-002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of

Izhar HALAHMI

U.S. Patent Application No. 10/762,508

Filed: January 23, 2004

For: REACTIVE FINE PARTICLES

Confirmation No.5241

Group Art Unit: 1764

Examiner: ANTHONY, Joseph David

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the Official Action mailed September 28, 2006, restriction is required under 35 USC 121 to limit examination one of the following inventions:

- I. Claims 1-9, drawn to reactive fine particles, classified in class 252, subclass 182.26, or
- II. Claims 10-16 drawn to methods of producing reactive fine particles, classified in class 252, subclass 182.13.

In response, Applicants hereby elect Group I on which claims 1-9 are readable for examination in this case. The election is made without traverse.

Pending the finding of allowable subject matter in the elected product claims, rejoinder of method claims 10-16 in accordance with the notice published in the *Official Gazette* on March 26, 1996, is respectfully requested. As the Examiner is aware, this notice established guidelines for treatment of product and process claims in light of *In re Ochiai*, 71 F.3d 1565, 37 USPQ2d 1127 (Fed. Cir. 1995) and *In re Brouwer*, 77 F.3d 422, 37 USPQ2d 1663 (Fed. Cir. 1996) and established a new procedure to permit the rejoinder of process claims, which have been withdrawn from consideration as a result of a restriction requirement, when the product is found allowable.